

REMARKS

These remarks are responsive to a final office action dated January 22, 2010 and a subsequent advisory action which followed an after final response. On June 16, 2010, Applicant's representative conducted an interview with Examiner Matzek regarding potential amendments and also regarding the differences in the cited prior art and the claimed invention. During the interview, Applicant pointed out the Examiner, as has been discussed throughout the prosecution, that the *Shipp* reference fails to teach an **intended** variation of fiber size throughout each single layer of material defining the mat. Instead, the *Shipp* reference states only that the fiber within a given layer may have a varying average diameter. Applicant's invention may also be construed as having a varying average diameter. However, as pointed out to the Examiner, *Shipp* does not have a variation of fiber distribution in any **intended** direction throughout a single layer. This means that the fiber size distribution of *Shipp* does not intentionally increase or decrease through the thickness of each layer but merely varies so as to have a varying average diameter. This is a fundamental difference between Applicant's claimed invention and *Shipp*, which the Examiner acknowledged during the interview.

Applicant has amended the independent claims to remove the language referring to **layered mat portions** instead refers to the mat as being formed of specific **layers**. The Examiner agreed that such change would adequately distinguish the *Shipp* reference so that multiple layers of *Shipp* could not be alleged to form the variation of fiber distribution within a single layer, as the Examiner interpreted *Shipp* previously.

Additionally, Applicant has amended the various independent claims to provide further distinctions as suggested by the Examiner. The Examiner suggested that some

limitations be added which indicate why the *Shipp* reference cannot form a media having the limitations of Applicant's invention.

Status of the Claims

At the time of the Office Action, Claims 22-29 and 33-44 were pending with Claims 22-29 and 33-44 being rejected. Claims 22-29 and 33 are amended herein. Support for these amendments maybe found throughout the specification. No new matter is being submitted.

Claim Rejections - 35 U.S.C. §102/§103

The Examiner has rejected Claims 22-27, 33, 34, 36, 38 and 40 under 35 U.S.C. §102(b) as being anticipated. Applicant respectfully traverses this ground of rejection.

The Examiner is respectfully reminded that a claim is only anticipated if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference. MPEP § 2131. "Every element of the claimed invention must be literally present, arranged as in the claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The claims must not be treated as "mere catalogs of separate parts, in disregard of the part-to-part relationships set forth in the claims and that give the claims their meaning." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 1459 (Fed. Cir. 1984). As a result, a reference that coincidentally lists features of a claim without describing the claimed arrangement, relationship, and organization of such features cannot anticipate.

Applicant asserts that the Examiner has failed to provide any references wherein the variation of fiber size occurs as the first and second layers are, "formed on first and

second drum collectors respectively.” Additionally, as previously described in the remarks section, the Examiner can longer rely on *Shipp* alone for the § 102 rejection since the single layers of mat material of *Shipp* do not have intended varying fiber size distribution therein. For at least these reasons, Applicant respectfully requests this ground of rejection be withdrawn.

The Examiner has rejected Claims 22-27, 33, 34, 36, 38 and 40 under 35 U.S.C. §103(a) as being obvious over *Shipp*. Applicant has amended the independent claims per the interview discussion rendering this ground of rejection moot.

Applicant has amended Claims 22, 29 and 33 as discussed with the Examiner in order to distinguish and overcome the cited art. During the interview the Examiner discussed the need to further distinguish the claimed invention from the *Shipp* reference and Applicant discussed with the Examiner the difference in process and function which led to the variation of fiber size distribution within each layer of Applicant’s invention. As discussed with the Examiner, one of the die source and drum collector is movable relative to the other in order to vary the quadrant from which the fiber engages the drum collector and in order to vary the fiber size being produced from the die source and drum collector. As a result, the fiber size is readily adjustable during formation as set forth page 4, lines 3-6 of the application. These amendments have been provided to the claim limitation in order to distinguish the *Shipp* reference from the claimed invention.

As discussed with the Examiner, the *Shipp* reference fails to provide any adjustability of the die source which would provide the variation in fiber size. Additionally, and as previously discussed, the *Shipp* reference fails to provide any use of

a drum collector in order to produce the material having variation in fiber size distribution and inflated permeability and gradient density. Applicant also refers the Examiner to the specification which recites the selectively spaced apart nature of die orifice and the rotating collector zone, page 4, lines 13-14 and a second die orifice and collector at lines 19-20. In addition to the previously recited readily adjustable nature of die source and collectors, Applicant provides at least the above cites as support for the claim amendments. With these amendments, Applicant has provided further limitations which are not achievable with the Shipp reference and therefore Applicant respectfully requests this ground of rejection be withdrawn.

For at least the reasons set forth herein, the Applicant respectfully submits that the cited references fail to render obvious independent claims 22, 29 and 33, and any claim depending therefrom. Thus, the Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

The Applicant respectfully submits that the application is in condition for allowance, and reconsideration and notice of allowance are respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with the Applicant's counsel, in person or over the telephone, the Applicant's counsel would welcome the opportunity to do so.

Respectfully submitted,

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